

**REMARKS/ARGUMENTS**

Pursuant to the Telephonic Interview of September 4, 2002, it is Applicants understanding that the objection to the phrase "a probe to the SCA10 locus" is withdrawn, and Applicants thank the Examiner for his consideration.

Claims 1, 5, 8, 14, 16, and 17 are rejected under 35 U.S.C. 112 2<sup>nd</sup> paragraph. Applicants amend claims 1, 5, 8, 14, 16, and 17 for clarification and in light of the Examiner's suggestion.

Attached hereto is a marked-up version of the changes made to the claims by the present amendment. For the Examiner's convenience, Applicants also attach a copy of all pending claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicants submit a fee under 37 CFR 1.17(p) pursuant to the Information Disclosure Statement filed herewith. Applicants believe no other fees are due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02039US1 from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

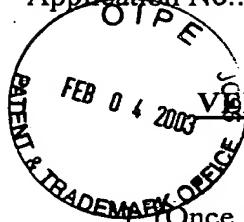
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Application No.: 09/942,336

Docket No.: HO-P02039US1



1. (Once Amended) A method of detecting spinocerebellar ataxia type 10 in a sample containing DNA from an individual to be tested comprising the step of measuring the presence or absence of DNA expansion at a [gene locus associated with] spinocerebellar ataxia type 10 gene locus.

5. (Once Amended) The method of claim 1, wherein the primers are of the sequence from the group consisting of SEQ ID NO: 3 and SEQ ID NO: 4.

8. (Once Amended) The method of claim 6, wherein the probe is created by the use of primers of the sequence from the group consisting of SEQ ID NO: 6 and SEQ ID NO: 7.

14. (Once Amended) A method of detecting pentanucleotide repeats in *SCA10* comprising the steps of:

isolating DNA from an individual to be tested; and

performing PCR analysis using the primers of the sequence from the group consisting of SEQ ID NO: 3 and SEQ ID NO: 4.

16. (Once Amended) A method of diagnosing spinocerebellar ataxia type 10 comprising the steps of:

isolating DNA from an individual to be tested;

performing PCR analysis using the primers of the sequence from the group consisting of SEQ ID NO: 3 and SEQ ID NO: 4;

assessing the number of ATTCT repeats based on comparison to DNA from an unaffected individual; and

determining whether the number of ATTCT repeats is expanded in comparison to that of unaffected individuals.

17. (Once Amended) A method of diagnosing spinocerebellar ataxia type 10

comprising the steps of:

isolating DNA from an individual to be tested;

performing PCR analysis using the primers of the sequence from the group consisting of SEQ ID NO: 10 and SEQ ID NO: 11; and

assessing whether the number of ATTCT repeats is expanded in comparison to that of unaffected individuals.

PENDING CLAIMS

1. A method of detecting spinocerebellar ataxia type 10 in a sample containing DNA from an individual to be tested comprising the step of measuring the presence or absence of DNA expansion at a spinocerebellar ataxia type 10 gene locus.

5. The method of claim 1, wherein the primers are of the sequence from the group consisting of SEQ ID NO: 3 and SEQ ID NO: 4.

8. The method of claim 6, wherein the probe is created by the use of primers of the sequence from the group consisting of SEQ ID NO: 6 and SEQ ID NO: 7.

14. A method of detecting pentanucleotide repeats in *SCA10* comprising the steps of:  
isolating DNA from an individual to be tested; and

performing PCR analysis using the primers of the sequence from the group consisting of SEQ ID NO: 3 and SEQ ID NO: 4.

16. A method of diagnosing spinocerebellar ataxia type 10 comprising the steps of:

isolating DNA from an individual to be tested;

performing PCR analysis using the primers of the sequence from the group consisting of SEQ ID NO: 3 and SEQ ID NO: 4;

assessing the number of ATTCT repeats based on comparison to DNA from an unaffected individual; and

determining whether the number of ATTCT repeats is expanded in comparison to that of unaffected individuals.

17. A method of diagnosing spinocerebellar ataxia type 10 comprising the steps of:

isolating DNA from an individual to be tested;

performing PCR analysis using the primers of the sequence from the group consisting

of SEQ ID NO: 10 and SEQ ID NO: 11; and

assessing whether the number of ATTCT repeats is expanded in comparison to that of unaffected individuals.